

**Murphy Brothers Inc. and Communications Workers
of America, AFL-CIO, Petitioner. Case 5-RC-
11279**

April 28, 1982

**DECISION AND CERTIFICATION OF
REPRESENTATIVE**

**BY MEMBERS FANNING, JENKINS, AND
ZIMMERMAN**

Pursuant to authority granted it by the National Labor Relations Board under Section 3(b) of the National Labor Relations Act, as amended, a three-member panel has considered objections to an election conducted by mail between November 17 and December 2, 1980,¹ and the Hearing Officer's report recommending disposition of same. The Board has reviewed the record in light of the ex-

¹ The election was conducted pursuant to a Stipulation for Certification Upon Consent Election. The tally was: 61 for, and 51 against, the Petitioner; there were 12 challenged ballots, a sufficient number to affect the results. Six challenged ballots were subsequently overruled. On June 17, 1981, the ballots of the overruled challenges were opened and counted. A revised tally of ballots reflected that the Petitioner had received 62 votes, with 56 votes cast against the Petitioner. The undetermined challenges were no longer sufficient to affect the results of the election.

ceptions and briefs, and hereby adopts the Hearing Officer's findings and recommendations.²

**CERTIFICATION OF
REPRESENTATIVE**

It is hereby certified that a majority of the valid ballots have been cast for Communications Workers of America, AFL-CIO, and that, pursuant to Section 9(a) of the National Labor Relations Act, as amended, the foregoing labor organization is the exclusive representative of all the employees in the following appropriate unit for the purpose of collective bargaining with respect to rates of pay, wages, hours of employment, and other terms and conditions of employment:

All owner/drivers and full-time regular part-time lease drivers employed by the Employer at its Falls Church, Virginia location excluding all other employees, dispatchers, mechanics, office clerical employees, supervisors and guards as defined in the Act.

² The Employer has excepted to certain credibility resolutions of the Hearing Officer. It is the established policy of the Board not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all of the relevant evidence convinces us that the resolutions are incorrect. *The Coca-Cola Bottling Company of Memphis*, 132 NLRB 481, 483 (1961); *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We find no sufficient basis for disturbing the credibility resolutions in this case.